

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 39 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not ? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge?
No.

YUNUS IBRAHIM NAGHORI

Versus

YAKUB IBRAHIM MAGHORI

Appearance:

Appellant - served.

MR JR NANAVATI for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 21/08/97

ORAL JUDGEMENT

This appeal is directed against the order dated February 3, 1986 passed by the learned Civil Judge (S.D.)., Junagadh below Ex.70, dismissing the plaintiff's application for appointment of receiver. However, during the pendency of the appeal, this Court passed an order appointing receiver for taking over possession of the

suit fields, cinema house situated at Vanthali and other joint properties.

The appellant though served is not represented by any person or advocate. Nothing is brought to the notice of the Court either on behalf of the appellant or on behalf of the respondent why the interim arrangement which has been operating during the pendency of the appeal should not continue till final disposal of the suit especially when the said interim arrangement is in operation for the last about 10 years.

In view of the aforesaid facts and circumstances of the case, the appeal from order is partly allowed and the interim arrangement made by this Court as per orders passed in Civil Applications No. 2496/86 and 2498/86 shall continue till final disposal of the suit. Since the suit is of the year 1983, the trial court is directed to hear and decide the suit as expeditiously as possible and in any case by December 31, 1997. The appeal is accordingly disposed of with no order as to costs.